

1 J. LAWRENCE MCCORMLEY, (STATE BAR #005005)
2 **TIFFANY & BOSCO, P.A.**
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7 Attorneys for Movant

FILED
99 JUL -2 P 3:31
U.S. DISTRICT COURT
DISTRICT OF ARIZONA
PHOENIX

8 **IN THE UNITED STATES BANKRUPTCY COURT**
9 **DISTRICT OF ARIZONA**

10 In Re:

11 BCE WEST, L.P., a Delaware limited
12 partnership,

13 Debtor.

14 EID 38-3196719

15 THOMAS J. CONWAY,

16 Movant,

17 vs.

18 BOSTON CHICKEN, INC.,

19 Respondent.
20

) Chapter 11 Proceedings

) Case No. 98-12547-PHX-CGC
) through 98-12570-PHX-CGC

) Contested Matter ____

) NOTICE OF FILING MOTION
) FOR RELIEF FROM THE
) AUTOMATIC STAY (CONWAY)

21 Movant, Thomas J. Conway, through counsel undersigned, hereby gives notice of
22 the filing of his Motion for Relief from the Automatic Stay ("Motion"). The Motion requests
23 that the automatic stay presently in effect in this jointly administered proceeding be lifted
24 and that Movant be allowed to proceed with his complaint against Boston Market, Inc.,
25 BC Metro, Inc. and others, dba Boston Market, in the Superior Court of Bergen County,
26 New Jersey, alleging the defendants named therein and/or one or more of the Chapter

1 11 debtors whose proceedings are being jointly administered in the above referenced
2 caption ("Affiliates") were guilty of, and liable to, Movant for employment discrimination.
3 Movant believes the liability of Debtor and/or one or more of the Affiliates and/or their
4 employees, agents or servants for engaging in the conduct described in the Complaint
5 are, or may be, covered by third party liability insurance and to the extent there is no
6 third party liability insurance coverage, Movant asserts he is entitled to determine the
7 liability of, and liquidate the amount of his claim against Debtor or the Affiliates, and that
8 process can be most efficiently and effectively conducted in the pending State Court
9 Action.

10 Any and all objections to the Motion must be made in writing, with the original
11 thereof filed under the above case caption to wit:

12 Clerk of the Court
13 U.S. Bankruptcy Court
14 P.O. Box 34151
Phoenix, AZ 85067

15 and with a copy of the written objection served that same day upon the attorney for
16 Movant whose name and address is shown above.

17 If no objections are properly filed and served with **15 days** from the date of this
18 Notice, the Court may enter its Order granting the relief sought in the Motion without
19 any or further hearings in this matter.

20 DATED this 2nd day of July, 1999.

21 TIFFANY & BOSCO, P.A.

22
23 By _____

24 J. Lawrence McCormley
25 Fifth Floor, Viad Tower
26 1850 North Central Avenue
Phoenix, Arizona 85004
Attorneys for Movant

1 COPY of the foregoing mailed this
2 2nd day of July, 1999, to:

3 Those persons and entities listed
4 on the Master Service List

5 U. S. A.

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